

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JOHNNY B. EWING, II]
Petitioner,]
]]
v.] No. 3:06-1184
] Judge Campbell
WAYNE BRANDON, WARDEN]
Respondent.]

O R D E R

The Court has before it a *pro se* § 2254 petition (Docket Entry No. 1) for writ of habeas corpus and the respondent's Motion to Dismiss (Docket Entry No. 9).

In accordance with the Memorandum contemporaneously entered, the Court finds merit in the respondent's Motion to Dismiss. Therefore, the respondent's motion is GRANTED and this action is hereby DISMISSED. Rule 8(a), Rules -- § 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner has failed to make a substantial showing of the denial of a constitutional right.

It is so ORDERED.


Todd Campbell
United States District Judge